

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

THOMAS L. MATJE,

Plaintiff,

No. 13-14791

v.

District Judge Matthew F. Leitman  
Magistrate Judge R. Steven Whalen

MR. ZESTOS, Medical Director,  
ET AL.,

Defendants.

/

**ORDER DENYING MOTION FOR COUNSEL**

Plaintiff, a *pro se* litigant in this civil rights action brought under 42 U.S.C. §1983, has filed a motion for appointment of counsel [Dock. #38].

Unlike criminal cases, there is no constitutional or statutory right to the appointment of counsel in civil cases. Rather, the Court requests members of the bar to assist in appropriate cases. In *Lavado v. Keohane*, 992 F.2d 601, 605-606 (6<sup>th</sup> Cir. 1993), the Sixth Circuit noted that “[a]ppointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances.” (Internal quotations and citations omitted).

It is the practice of this Court to defer any attempt to obtain counsel for *pro se* civil rights Plaintiffs until after motions to dismiss or motions for summary judgment have been denied. Defendants’ motions for summary judgment [Dock. #40, 42] are currently pending.

At this stage of the proceedings, Plaintiff's request for counsel is premature.

Accordingly, Plaintiffs' Motion to Appoint Counsel [Dock. #38] is DENIED  
WITHOUT PREJUDICE.

IT IS SO ORDERED.

s/R. Steven Whalen

R. STEVEN WHALEN

UNITED STATES MAGISTRATE JUDGE

Date: May 5, 2016

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on May 5, 2016, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla

Case Manager to the

Honorable R. Steven Whalen